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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: FISH=4  
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In re Application of: ) Art Unit: 1645  
Falk, FISH )  
Appn. No.: 09/763,415 ) Examiner: J. Hines  
Filed: May 16, 2001 ) Washington, D.C.  
For: METHOD AND KIT FOR THE ) Confirmation No. 9137  
DETERMINATION OF... ) September 22, 2003

## REPLY: REQUEST FOR REFUND

Customer Window, Mail Stop NO FEE  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

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SEP 25 2003  
TECH CENTER 1600/2900

Sir:

The undersigned hereby requests a credit to Deposit Account 02-4035 for the second and third month extensions of time, in the amount of \$820.00, as well as an extension of the patent term for two months, in connection with the above-identified application. This request is being made because of PTO errors in processing the latest amendment filed.

An amendment with a request for one-month extension of time was filed July 21, 2003. The cover sheet for this amendment included a paragraph, which was checked, that reads, "The Commissioner is hereby authorized and requested to charge

any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.17."

On August 19, 2003, the undersigned telephoned Examiner Hines to inquire about the status of the application. Examiner Haines stated that the amendment filed July 21, 2003, was not in the case. Accordingly, a copy of the amendment and a copy of the date-stamped postcard as evidence of filing the amendment were sent to Examiner Hines by facsimile.

On September 17, 2003, the undersigned telephoned Examiner Hines to inquire about the disposition of the application. Examiner Hines informed the undersigned that she had prepared an Advisory Action, but the clerk of the group told Examiner Hines that the application had been abandoned for failure to pay an additional extension fee.

It is respectfully requested that the extension of time fees be credited to Deposit Account No. 02-4035 and that a two-month extension be granted for the patent term because of PTO clerical errors.

Respectfully submitted,

  
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